

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:73-CV-26

and

BAY MILLS INDIAN COMMUNITY,
SAULT STE. MARIE TRIBE
OF CHIPPEWA INDIANS,
GRAND TRAVERSE BAND OF
OTTAWA AND CHIPPEWA
INDIANS, LITTLE RIVER BAND
OF OTTAWA INDIANS, and
LITTLE TRAVERSE BAY BAND
OF ODAWA INDIANS,

Hon. Richard Alan Enslen

Plaintiff-Intervenors/Counter-Defendants,

v.

STATE OF MICHIGAN, *et al.*,

ORDER

Defendants/Counter-Claimants.

Plaintiff-Intervenor/Counter-Defendant Grand Traverse Band of Ottawa and Chippewa Indians (“GTB”) has moved this Court to impose sanctions under Federal Rule of Civil Procedure 11(c) against Proposed Intervenors Michigan Fisheries Resource Conversation Coalition, Stuart Cheney, Robert Andrus and the Walloon Lake Trust Conservancy (“Proposed Intervenors”). The bases for the request are supposedly frivolous factual contentions made by Proposed Intervenors in recent motion filings (which motions have been denied). The factual contentions appear to have been based on some record statements of Plaintiffs’ experts and as well as Proposed Intervenors’ expansive approach to understanding how the recognition of tribal usufructuary rights might impact their legal interests in

private lands. While the Court has disagreed with some of those characterizations, the Court does not believe that Rule 11 sanctions are warranted given the complexity of the legal and factual matters at issue.¹

THEREFORE, IT IS HEREBY ORDERED that Plaintiff-Intervenor/Counter-Defendant Grand Traverse Band of Ottawa and Chippewa Indians' Motion for Sanctions (Dkt. No. 1702) is **DENIED**.

DATED in Kalamazoo, MI:
January 12, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE

¹While the Court disagrees with much of the Proposed-Intervenors' legal tactics and positions, it does not agree with GTB's implied characterization in the Motion for Sanctions, which compared the Proposed Intervenors to Adolph Hitler and Joseph Goebbels (for promoting "the big lie"). Such rhetoric is not appropriate in the context of a complex litigation seeking to determine reasonably disputed treaty and property rights and does not otherwise facilitate the resolution of disputes in this matter.